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SUBJECT: WARDAK PROVINCE JUSTICE INITIATIVE - AN EMERGING
PATTERN

1. (U) SUMMARY. On January 29, the Maidan Wardak province judicial sector coordinating committee, a joint U.S - U.N funded effort, highlighted major accomplishments towards its goal of reforming the provincial judicial system. Key accomplishments thus far include approval for renovation of the courthouse and construction of a justice administration building, identification of a defense attorney for the province, and mobilization of public outreach/awareness working groups to disseminate information about citizens' constitutional rights. Governor expressed optimism that reforming the courts system will help Maidan Wardak establish itself as a model for all of Afghanistan. END SUMMARY.

ACCOMPLISHMENTS

2. (U) This was the fourth meeting on reform of the Maidan Wardak provincial judicial system, a project jointly funded by USG and UNAMA. Throughout the course of discussions USAID had agreed to fund the renovation and expansion of the existing courthouse, and architectural designs approved at the January 29 meeting. In addition to the courthouse project, CFC-A will fund the construction of a 7,000 square foot administrative building. The administrative building will provide office space for most sectors of the judicial system, including the defense attorney and the director of prisons. Currently, the defense and government directors are operating out of a small room in a rented building. (NOTE: The Kandahar PRT has also granted USD 140K for the refurbishment of provincial prison facilities. END NOTE.)

3. (U) Members of the defense and government sectors received a list of all registered defense attorneys throughout the country, including the attorney that was designated by the Ministry of Justice (MOJ) as the defense attorney for Maidan Wardak province. Defense Sector Director Shah Hussain argued that, although one attorney was better than none, more assistance would be necessary to handle the case load for the 57 detainees currently in pre-trial confinement. Hussain stated that identifying the number of pre-trial detainees was only possible because he had started a statistical compilation of all cases that his office received and registered over the past nine months as well as the number of detainees that were held on related charges. Cases were organized by the date/quarter received and assigned to a category. The three categories were family, land, and debt disputes. Hussain further expressed gratitude to CFC-A for their efforts in assisting his department with detainees' rights and transportation. CFC-A has contracted two organization to assist with addressing the legal rights of detainees. One of the organizations was the International Legal Foundation (ILF), currently in country, whose goal was to develop a strategy to provide legal counsel to all detainees throughout the province. CFC-A Legal Advisor Michael Tobin noted that discussions were underway with the PRT Commander to establish and manage a fleet of vehicles to transport staff and detainees to official appointments throughout the province.

4. (U) USAID has granted funds for a Rule of Law project (RoLP) to provide information to citizens on their constitutional rights. By December 2005, the project had been implemented throughout all 11 districts in Wardak province. Activities included community-wide discussions at public outreach/awareness gatherings, distribution of RoLP materials, radio broadcasts, and equipment (TV, DVD, etc.) for a community information center in each of the 11 districts. Community and religious leaders, media officials, government and judicial authorities, and the RoLP's public outreach team members all participated in planning these outreach activities.

OPEN ITEMS

5. (U) Leaders from the six working groups noted that the following needs must be addressed: guidance/interaction between provincial judicial leaders and the ministries in Kabul; transportation for staff and movement of detainees;

communications equipment to facilitate contact between the provincial capital and surrounding districts; training for officials to include delineating the roles and responsibilities of each department; office equipment for daily functions; increased salaries to offset the costs of living and commuting; and security for staff members, detainees, and buildings.

16. Comment. The accomplishments signify a step in the right direction towards reforming the Maidan Wardak justice sector.

Of the open issues outlined above, many will be resolved with the renovation and expansion of the courthouse, the building of the administrative building, and the establishment of a fleet of vehicles to transport staff and detainees for official business throughout the province. During the establishment of the judicial infrastructure, capacity building and training exercises could be concurrently implemented. However, while the construction and training projects are costly endeavors, the delineating of roles and responsibilities for each department is a task that could be immediately addressed without any additional costs to the donors of the Maidan Wardak judicial system reform project. End Comment.

NEUMANN